



POWER OF ATTORNEY BY ASSIGNEE
(Not Accompanying Application)

To the Commissioner of Patents and Trademarks:

The undersigned assignee of the entire interest in application for letters patent entitled: DETECTION OF NUCLEIC ACID REACTIONS ON BEAD ARRAYS

and having the named inventors: KEVIN GUNDERSON, JOHN R. STUELPNAGEL, and MARK S. CHEE, Serial No. 09/553,993 filed on or about the 20 day of APRIL, 2000, hereby appoints the following attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith; said appointment to be to the exclusion of the inventor(s) and his (their) attorney(s) in accordance with the provisions of 37 C.F.R. 1.32: Harold C. Hohbach, Reg. No. 18,048; Donald N. MacIntosh, Reg. No. 20,316; Edward S. Wright, Reg. No. 24,903; David J. Brezner, Reg. No. 24,774; Richard E. Backus, Reg. No. 22,701; James A. Sheridan, Reg. No. 25,435; Robert B. Chickering, Reg. No. 24,286; Richard F. Trecartin, Reg. No. 31,801; Steven F. Caserza, Reg. No. 29,780; Edward N. Bachand, Reg. No. 37,085; R. Michael Ananian, Reg. No. 38,050; Robin M. Silva, Reg. No. 38,304; David C. Ashby, Reg. No. 36,432; Michael A. Kaufman, Reg. No. 32,988; Maria S. Swiatek, Reg. No. 37,244; Todd A. Lorenz, Reg. No. 39,754; provided that if any one of said attorneys ceases being affiliated with the law firm of Flehr Hohbach Test Albritton & Herbert LLP as partner, employee or of counsel, such attorney's appointment as attorney and all powers derived therefrom shall terminate on the date such attorney ceases being so affiliated.

In accordance with 37 C.F.R. 3.73 the assignee hereby certifies that the evidentiary documents with respect to its ownership have been reviewed and that, to the best of assignee's knowledge and belief, title is in the assignee seeking to take this action.

Direct all telephone calls to ROBIN M. SILVA at (415) 781-1989.

Address all correspondence to:

FLEHR HOHBACH TEST
ALBRITTON & HERBERT LLP
Suite 3400, Four Embarcadero Center
San Francisco, California 94111

Assignee: ILLUMINA, INC.

By: Noemi C. Espinosa
TYPED NAME

Signature: Noemi C. Espinosa

Title: Vice President, Intellectual Properties

Address: 9390 Towne Centre Drive, Suite 200

San Diego, California 92121

Date: January 3, 2001

File No. A-69235/DJB/RMS/DCF

Applicant or Patentee: KEVIN GUNDERSON, et al. Attorney's Docket No.: A-69235/DJB/RMS/DCF
Serial or Patent No.: 09/553,993
Filed or Issued: APRIL 20, 2000
For: DETECTION OF NUCLEIC ACID REACTIONS ON BEAD ARRAYS

JAN 08 2001

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) and 1.27(c)) - SMALL BUSINESS CONCERN**

I hereby declare that I am

- ☐ the owner of the small business concern identified below:
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF SMALL BUSINESS CONCERN: Illumina, Inc.
ADDRESS OF SMALL BUSINESS CONCERN: 9390 Towne Centre Drive, Suite 200
San Diego, California 92121

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention entitled DETECTION OF NUCLEIC ACID REACTIONS ON BEAD ARRAYS by inventor(s) KEVIN GUNDERSON, JOHN R. STUELPNAGEL and MARK S. CHEE described in

- ☐ the specification filed herewith
☒ application serial no. 09/553,993, filed APRIL 20, 2000
☐ patent no. _____, issued _____

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights in the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e). *NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

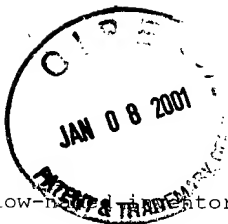
NAME: _____
ADDRESS: _____
☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING Noemi C. Espinosa
TITLE IN ORGANIZATION Vice President, Intellectual Property
ADDRESS OF PERSON SIGNING 9390 Towne Centre Drive, Suite 200, San Diego, California 92121

SIGNATURE *Noemi C. Espinosa* DATE Jan. 3, 2001



DECLARATION FOR PATENT APPLICATION

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled DETECTION OF NUCLEIC ACID REACTIONS ON BEAD ARRAYS, the specification of which

was filed on April 20, 2000 as
X Application Serial No. 09/553,993
and was amended on _____, (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the Patent Office all information known to me to be material to patentability as defined in 37 C.F.R. 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)			Priority Claimed	
_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
(Number)	(Country)	(Day/Month/Year Filed)	Yes	No
_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
(Number)	(Country)	(Day/Month/Year Filed)	Yes	No
_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
(Number)	(Country)	(Day/Month/Year Filed)	Yes	No

I hereby claim the benefit under Title 35, United States Code, §119/§120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose to the Patent Office all information known to me to be material to patentability as defined in 37 C.F.R. 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

<u>09/535,854</u>	<u>March 27, 2000</u>	<u>Pending</u>
(Application Serial No.)	(Filing Date)	(Status)
(patented, pending, abandoned)		
<u>09/517,945</u>	<u>March 3, 2000</u>	<u>Pending</u>
(Application Serial No.)	(Filing Date)	(Status)
(patented, pending, abandoned)		
<u>09/513,362</u>	<u>February 25, 2000</u>	<u>Pending</u>
(Application Serial No.)	(Filing Date)	(Status)
(patented, pending, abandoned)		

<u>09/425,633</u>	<u>October 22, 1999</u>	<u>Pending</u>
(Application Serial No.)	(Filing Date)	(Status)
		(patented, pending, abandoned)
<u>60/161,148</u>	<u>October 22, 1999</u>	<u>Abandoned</u>
(Application Serial No.)	(Filing Date)	(Status)
		(patented, pending, abandoned)
<u>60/160,927</u>	<u>October 22, 1999</u>	<u>Abandoned</u>
(Application Serial No.)	(Filing Date)	(Status)
		(patented, pending, abandoned)
<u>60/160,917</u>	<u>October 22, 1999</u>	<u>Abandoned</u>
(Application Serial No.)	(Filing Date)	(Status)
		(patented, pending, abandoned)
<u>60/135,051</u>	<u>May 20, 1999</u>	<u>Abandoned</u>
(Application Serial No.)	(Filing Date)	(Status)
		(patented, pending, abandoned)
<u>60/135,053</u>	<u>May 20, 1999</u>	<u>Abandoned</u>
(Application Serial No.)	(Filing Date)	(Status)
		(patented, pending, abandoned)
<u>60/135,123</u>	<u>May 20, 1999</u>	<u>Abandoned</u>
(Application Serial No.)	(Filing Date)	(Status)
		(patented, pending, abandoned)
<u>60/130,089</u>	<u>April 20, 1999</u>	<u>Abandoned</u>
(Application Serial No.)	(Filing Date)	(Status)
		(patented, pending, abandoned)

Direct all telephone calls to ROBIN M. SILVA at (415) 781-1989.

Address all correspondence to:

FLEHR HOHBACH TEST
ALBRITTON & HERBERT LLP
Suite 3400, Four Embarcadero Center
San Francisco, California 94111

File No. A-69235/DJB/RMS/DCF

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, United States Code, §1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first
inventor:

KEVIN GUNDERSON

Inventor's signature:

Kevin Gunderson

Date:

1/3/2001

Residence:

ENCINITAS, CALIFORNIA

Citizenship:

UNITED STATES OF AMERICA

Post Office Address: 1543 JUNIPER HILL DRIVE
ENCINITAS, CALIFORNIA 92024

Full name of second inventor: JOHN R. STUELPNAGEL

Inventor's signature: *John R Stuelpnagel*

Date: 1/3/01

Residence: ENCINITAS, CALIFORNIA

Citizenship: UNITED STATES OF AMERICA

Post Office Address: 38 BRIGGS AVENUE
ENCINITAS, CALIFORNIA 92024

Full name of third inventor: MARK S. CHEE

Inventor's signature: *Mark Chee*

Date: 1/3/01

Residence: DEL MAR, CALIFORNIA

Citizenship: AUSTRALIA

Post Office Address: 155 - 15TH STREET, APT. 24
DEL MAR, CALIFORNIA 92014

1026978



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Gunderson et al.

Examiner: B. Forman

Serial No. 09/553,993

Group Art Unit: 1655

Filed: April 20, 2000

For: *Detection of Nucleic Acid Reactions on Bead Arrays*

CERTIFICATE OF MAILING

I hereby certify that this correspondence, including listed enclosures, is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, DC 20231 on November 19, 2001

Signed:

Victoria T. Linne

RECEIVED
JAN 15 2002
TECH CENTER 1600/2900

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

Transmitted herewith is an amendment in response to the Official Action mailed on May 18, 2001, having a response due on August 18, 2001, in the above-entitled application. A Petition for Three Month Extension of Time extending the response date to November 18, 2001 (which is a Sunday) is herewith enclosed as well.

The fee has been calculated as shown below.

	(Col. 1) Claims Remaining After Amendment	(Col. 2) Minus	(Col. 3) Highest Previously Paid for	(Col. 4) Present Extra	SMALL ENTITY		OTHER THAN SMALL ENTITY	
					RATE	FEE	RATE	FEE
TOTAL CLAIMS	* 14	—	** 20		x 9 =	\$.	x 18 =	\$.
INDEP CLAIMS	* 2	—	3		x 42 =	\$.	x 84 =	\$.
[] Multiple Dependent Claim Presented and Fee Not Previously Paid					+140 =	\$.	+280 =	\$.
*If the entry in Col. 1 is less than the entry in Col. 3, type "0" in Col. 4. **If the "Highest Number Previously Paid For" in this space is less than 20, type "20" in this space.					TOTAL	\$.	TOTAL	\$.

☒ No additional claim fee is required.

☒ Our Check No. _____ in the amount of \$ 460.00 for Petition for Three Month Extension of time is enclosed.

☒ Please charge any additional fees, including extension fees, or credit any overpayment to Deposit Account No. 06-1300 (Order No. A-69235/DJB/RMS/DCF).

Respectfully submitted,

David C. Foster

Registration No. 44,685

For

Robin M. Silva

Registration No. 38,304

FLEHR HOHBACH TEST

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File No. A-69235/DJB/RMS/DCF